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June 13, 1958

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CONCORD, N.H.

James J. Barry, Commissioner
Public Welfare Department
State House Annex
Concord, New Hampshire

Re: Leslie Aiken, Pending OSA

Dear Mr. Barry:

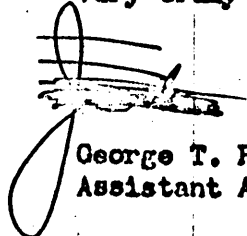
This is to acknowledge receipt of your letter of June 11, 1958 with which you enclosed a photostatic copy of a warranty deed from Sarah J. Elkins to Leslie Aiken and Harold Aiken conveying certain property in Laconia, N.H., dated March 31, 1924 and recorded in Book 170, Page 515 of the Belknap County Registry of Deeds.

In determining the interests of the grantees under this deed it is necessary to consider Section 14, chapter 137 of the Public Statutes of New Hampshire which was in effect at the time this deed was given. Said section provides as follows:

"Sect. 14. Every conveyance or devise of real estate made to two or more persons shall be construed to create an estate in common and not in joint tenancy, unless it shall be expressed therein that the estate is to be holden by the grantees or devisees as joint tenants, or to them and the survivor of them, or unless other words are used clearly expressing an intention to create a joint tenancy."

The deed contains no language clearly expressing an intention to create a joint tenancy. Accordingly it is our opinion that Leslie Aiken and Harold Aiken acquired the property as tenants in common and, in the absence of an intervening conveyance or conveyances changing the situation, Leslie Aiken is presently the owner of an undivided one-half interest in said property; the other undivided one-half interest being owned by Harold Aiken, his heirs, administrators or assigns.

Very truly yours,



George T. Ray, Jr.
Assistant Attorney General

GTR, Jr/m